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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,708	12/04/2001	Mohan Krishnan	GUID.031US01	1182

7590 04/29/2004

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EXAMINER

MANUEL, GEORGE C

ART UNIT	PAPER NUMBER
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3762

12

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,708

Applicant(s)

KRISHNAN ET AL.

Examiner

George Manuel

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 19-33, 37-51 and 54-60 is/are rejected.
- 7) ☒ Claim(s) 5, 14-18, 34-36 and 52 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7, 8, 11.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 1-4, 6-13, 19, 20, 43-51 and 53 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Heil, Jr. et al '786.

Heil, Jr. et al disclose using an interelectrode coating 320A that promotes tissue in-growth and also using a coating comprising a steroid elution that modifies fibrotic scar tissue resulting in preventing tissue in-growth. See col. 7, line 58 to col. 8, line 42.

Claim 21, 54 and 55 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Alferness '218.

Alferness discloses a distal electrode 20a implanted in the coronary sinus 46 and the proximal electrode 40a is implanted within the coronary sinus 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3762

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-25, 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alferness '218.

Alferness shows all of the claimed subject matter except for using a spiraled lead portion or cellular adhesion. One of ordinary skill in the art would have found it obvious to use a spiraled lead, tine or cellular adhesion as a means for fixing the lead 14 because these are well known means for fixing cardiac leads.

Regarding claim 23, one of ordinary skill in the art would have found it obvious to comprise sleeve 22 of a silicone or polyurethane rubber because Alferness teaches the sleeve is insulative.

Claims 26-33, 37-42, 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alferness '218 in view of Heil, Jr. et al '786.

Alferness shows all of the claimed subject matter except for using a drug on lead 14.

Heil, Jr. et al teach using a drug to improve fixation and extraction for an implantable cardiac lead.

Art Unit: 3762

One of ordinary skill in the art would have found it obvious to use the teaching of Heil, Jr. et al to add a drug to the lead 14 to provide improved fixation and allow easy extraction of the lead.

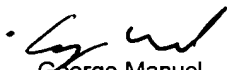
Allowable Subject Matter

Claims 5, 14-18, 34-36 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heil, Jr. et al '363 disclose a related implantable cardiac lead.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (703) 308-2118.


George Manuel
Primary Examiner
Art Unit: 3762

4/23/04